

Appln. No. 10/806,676
Docket No. GP-303899/GM2-0092

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REMARKS / ARGUMENTS

Status of Claims

Claims 1-24 are pending in the application. Claims 1-5 and 7 stand rejected. Claims 9-16 are allowed. Claims 6, 8, and 17-24 are objected to as being dependent upon a rejected claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. Applicant appreciates the Examiner's notation of the allowable claims. Applicant has amended Claims 1, 5 and 7, leaving Claims 1-24 for consideration upon entry of the present Amendment.

Applicant respectfully submits that the rejections under 35 U.S.C. §102(b), have been traversed, that no new matter has been entered, and that the application is in condition for allowance.

Rejections Under 35 U.S.C. §102(b)

Claims 1-5 and 7 stand rejected under 35 U.S.C. §102(b) as being anticipated by Vogt (U.S. Patent No. 1,052,193, hereinafter Vogt).

Applicant traverses this rejection for the following reasons.

Applicant respectfully submits that "[a] claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, *in a single prior art reference.*" *Verdegaal Bros. V. Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987) (emphasis added). Moreover, "[t]he identical invention must be shown in as complete detail as is contained in the *** claim." *Richardson v. Suzuki Motor Co.*, 868 F.2d 1226, 1236, 9 USPQ2d 1913, 1920 (Fed. Cir. 1989). Furthermore, the single source must disclose all of the claimed elements "arranged as in the claim." *Structural Rubber Prods. Co. v. Park Rubber Co.*, 749 F.2d 707, 716, 223 U.S.P.Q. 1264, 1271 (Fed. Cir. 1984). Missing elements may not be supplied by the knowledge of one skilled in the art or the disclosure of another reference. *Titanium Metals Corp. v. Banner*, 778 F.2d 775, 780, 227 U.S.P.Q. 773, 777 (Fed. Cir. 1985).

Appln. No. 10/806,676
Docket No. GP-303899/GM2-0092

Regarding Claim 1

Applicant has amended Claim 1 to now recite, inter alia:

"...wherein each of the plurality of asperities are disposed at the textured surface so as to traverse concentric circular paths in response to rotation of the plate about an axis perpendicular to the plate."

No new matter has been added by these amendments as antecedent support may be found in the specification as originally filed, such as at Paragraph [0026] and at Figures 2 and 5-7, for example.

Dependent claims inherit all of the limitations of the respective parent claim.

In comparing Vogt with the claimed invention, Applicant finds Vogt to disclose and teach: "The operating face of the tool is provided with one or more *spiral or helical ribs*" (col. 1, lines 31-33); "In all of the operating surfaces of the tool... there is one common feature, viz., the formation of one or more *spiral or helical ribs* upon the same" (col. 2, lines 60-64); and, "The work being moved between the intervals of the action of the tool, or the tool being moved; *all portions* of the surface of such work will be subjected to *the same degree of compression*" (col. 4, lines 80-90). As such, Applicant finds Vogt to define tool asperities having a spiral or helical formation, which upon rotation of the tool *do not traverse concentric circular paths*, but instead traverse outwardly spiraling paths so as to cause the deformations of one impression to be merged with those of succeeding impressions without abrupt changes (Vogt, col. 4, lines 85-90), which Applicant submits is entirely contrary to the claimed invention.

Accordingly, Applicant submits that Vogt does not disclose all of the claimed elements arranged as in the claim, and absent anticipatory disclosure in Vogt of each and every element of the claimed invention arranged as in the claim, Vogt cannot be anticipatory.

In view of the amendment and foregoing remarks, Applicant submits that Vogt does not disclose each and every element of the claimed invention arranged as claimed and therefore cannot be anticipatory. Accordingly, Applicant respectfully submits that

Appl. No. 10/806,676
Docket No. GP-303899/GM2-0092

the Examiner's rejection under 35 U.S.C. §102(b) has been traversed, and requests that the Examiner reconsider and withdraw of this rejection.

Regarding Claim 5

Applicant has amended Claim 5 to now recite, inter alia:

"...the plurality of asperities at the textured surface has an average roughness depth of equal to or greater than about 10 microns and equal to or less than about 100 microns."

No new matter has been added, as antecedent support may be found in the application as originally filed, such as at Paragraph [0022], for example.

In view of the allowability of Claim 6, Applicant submits that Claim 5 is also allowable, and respectfully requests notice thereof.

Regarding Claim 7

Applicant has amended Claim 7 to now recite, inter alia:

"The article of Claim 1, wherein the plate *is so dimensioned as to be insertable through a space defined by a retracted position of the electrode in the welding device* for imprinting a texture into the tip of the electrode absent removal of the electrode from the welding device in which the electrode is installed."

No new matter has been added, as antecedent support may be found in the application as originally filed, such as at Paragraph [0018] (disclosing use of tool 200 without disassembling the electrode from the welding machine), Paragraph [0027] (disclosing use of tool 200 without having to remove the electrodes from the welding machine), Figure 4 (illustrating electrode 110 of welding machine 100 pressed against tool 200, which would be recognized by one skilled in the art to be so dimensioned as to be insertable through a space defined by a retracted position of the electrode in the welding machine), and Figure 5 (illustrating electrode 110 retracted away from tool 200, thereby providing a space for insertion of the tool for imprinting), for example.

Appln. No. 10/806,676
Docket No. GP-303899/GM2-0092

In view of the foregoing, and the dependency of Claim 7 on Claim 1, Applicant submits that Claim 7 is allowable, and respectfully requests notice thereof. Applicant further submits that support for entry of the claim amendment may be found in MPEP 2173.05(b).

In light of the forgoing, Applicant respectfully submits that the Examiner's rejections under 35 U.S.C. §102(b), have been traversed, and respectfully requests that the Examiner reconsider and withdraw these rejections.

The Commissioner is hereby authorized to charge any additional fees that may be required for this amendment, or credit any overpayment, to Deposit Account No. 06-1130.

In the event that an extension of time is required, or may be required in addition to that requested in a petition for extension of time, the Commissioner is requested to grant a petition for that extension of time that is required to make this response timely and is hereby authorized to charge any fee for such an extension of time or credit any overpayment for an extension of time to the above-identified Deposit Account.

Respectfully submitted,

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